

RESPONSE TO COMMENTS

Received on the Peck Rock & Products Class VI Landfill Permit Application and Draft Permit

The period to receive comments on the Peck Rock & Products Class VI Landfill permit application and draft permit began January 20, 2004 and ended February 19, 2004. A public hearing was held in Lehi, Utah County on February 3, 2004. Both written and oral comments were received. Comments in opposition to the operation of the landfill were received from two commenters and two commenters were in favor of the landfill.

Adverse comments received were primarily concerning the issue of increased truck traffic along the road to the landfill. The recently incorporated City of Saratoga Springs has annexed property within less than one-half mile of the Peck Rock & Products Landfill and approximately six-tenths of a mile of the road to the landfill currently passes through a new residential area. Also, with the landfill changing to a commercial category, it is expected that the truck traffic along the road will increase.

Following is a summary of the comments received and a response to the comments.

Public Safety Due to Expected Increased Traffic

Comments: One commenter was very concerned with safety issues along the route to the landfill. Since the only access to the landfill passes through a residential area; near parks and proposed parks; and near a proposed elementary school, the expected increase in truck traffic due to the landfill changing to the commercial category will also increase the possibility of accidents.

Another commenter presented information which indicated that there would not be a significant increase in truck traffic. The commenter indicated that the clay pits have been in operation approximately 40 years and the landfill nearly five years and there have been no accidents involving the trucks that have hauled rock and clay from the clay pits nor the trucks delivering waste to landfill. Also, the commenter presented information indicating that the school district was aware of the mining and landfill operations and was planning for the construction of safety features and implementing an aggressive safety plan to further protect students at the proposed school.

Response: Any possible safety issues that may result from the expected truck traffic along the route to the landfill are understood by the Executive Secretary of the Utah Solid and Hazardous Waste Control Board. However, neither the Utah Solid and Hazardous Waste Act nor the current Solid Waste Rules provide for the Executive Secretary to consider traffic and potential safety issues along public roads or streets in making a determination to approve or deny a permit application. Because these issues are outside the legal preview of the executive secretary, they are more appropriately addressed by local governments in making land use decisions.

Increased Cost to Maintain Public Streets, Decrease Property Values, and Slow Growth

Comment: The increased truck traffic to the landfill will significantly increase the City of Saratoga Springs' costs to maintain the portion of the road inside the city limits. Also, the increased truck traffic and the proximity of the landfill could depress property values and slow residential growth.

Response: The increased costs to maintain a street due to truck traffic, the feared decrease in property values, and the feared slowing of residential growth may be valid concerns to the City of Saratoga Springs. As noted in the previous response, the Utah Solid and Hazardous Waste Act does not authorize the Solid and Hazardous Waste Control Board to make rules on these issues nor does it provide for the Executive Secretary to consider them in making permitting decisions.

Concerns of Odors, Noise, Dust, Blowing Litter, and Hazardous Waste

Comment: Since the landfill is in fairly close proximity to residential development, concern was expressed regarding odors, noise, dust, blowing debris, and the possible deposition of hazardous or offensive material.

Response: The concern with respect to the above mentioned issues is valid and most are addressed by the solid waste rules. Specifically, the issues of odor and noise are not addressed by the rules but, in the case of this landfill, should be of little concern. The wastes that may be accepted at a construction/demolition landfill have little or no potential to generate odors. When a landfill is well operated and the waste is covered on the schedule approved in the plan of operation, odors are seldom, if ever, a problem. The landfill is located approximately one-half mile from a residential area and changing the category of the landfill should not increase the noise level above that which is generated by the current mining and landfill operations.

All solid waste landfills are required to control dust; control and collect scattered litter; and to accept no hazardous materials. The permit application contains plans that meet the requirements of the Solid Waste Rules to control fugitive dust; control blowing litter; and to inspect loads to prevent the disposal of unacceptable wastes. These plans are currently being followed at the landfill and the same activities are required if a permit is issued for a commercial construction/demolition landfill. Also, no problems have been noted with respect to odors, noise, dust control, litter control, and unacceptable wastes during any inspection of the landfill by the Division of Solid and Hazardous Waste and/or the Utah County Health Department.

Local Land Use Approval

Comment: The landfill permit should not be approved since it appears that the proposed landfill will be unable to obtain local land use approval.

Response: As required by Subsection 19-6-108(3)(c) of the Utah Solid and Hazardous Waste Act, a commercial construction/demolition landfill (Class VI Landfill) must receive approval from the local government as well as the Legislature and the governor prior to construction. The Legislative and gubernatorial approvals are required subsequent to the approval of the Executive Secretary and in addition to any required local government approvals. Peck Rock & Products is currently permitted to operate the existing landfill as a non-commercial construction/demolition waste landfill and as such received approval to operate from Utah County in 1999. If a new approval is required by Utah County, the landfill may not begin operating as a commercial landfill until such approval is granted.